

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Local Government, to which was referred Senate Bill 216, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Replace the effective dates in SECTIONS 1 through 4 with
- 2 "[EFFECTIVE UPON PASSAGE]".
- 3 Page 1, between the enacting clause and line 1, begin a new
- 4 paragraph and insert:
- 5 "SECTION 1. IC 5-2-10.5-6 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. The board is
- 7 composed of the following members:
- 8 (1) The executive director of the department of fire and building
- 9 services **or the executive director's designee.**
- 10 (2) The chairperson of the board of firefighting personnel
- 11 standards and education.
- 12 (3) The director of the state emergency management agency **or**
- 13 **the director's designee.**
- 14 (4) The commissioner of the department of environmental
- 15 management **or the commissioner's designee.**
- 16 (5) The state fire marshal **or the state fire marshal's designee.**

(6) **The deputy director of the emergency medical services division of the state emergency management agency or the deputy director's designee.**

(7) Five (5) individuals appointed by the governor, not more than three (3) of whom may represent the same political party, as follows:

(A) A professional firefighter.

(B) A volunteer firefighter.

(C) A public safety employee who is not a firefighter.

(D) A municipal or county building inspector.

(E) A member of the medical profession.

SECTION 2. IC 9-19-14.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A privately owned vehicle belonging to a **certified paramedic, certified emergency medical technician-intermediate, certified emergency medical technician-basic advanced**, certified emergency medical technician, certified emergency medical service driver, or certified emergency medical service first responder while traveling in the line of duty in connection with emergency medical services activities may display green lights, subject to the following restrictions and conditions:

(1) The lights may not have a light source less than fifty (50) candlepower.

(2) All lights shall be placed on the top of the vehicle.

(3) Not more than two (2) green lights may be displayed on a vehicle and each light must be of the flashing or revolving type and visible at three hundred sixty (360) degrees.

(4) The lights must consist of a lamp with a green lens and not of an uncolored lens with a green bulb. However, the revolving lights may contain multiple bulbs.

(5) The green lights may not be a part of the regular head lamps displayed on the vehicle.

(6) For a person authorized under this chapter to display a green light on the person's vehicle, the person must first secure a written permit from the director of the state emergency management agency to use the light. The permit must be carried by the person when the light is displayed.

SECTION 3. IC 9-30-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) A physician or a person

1 trained in obtaining bodily substance samples and acting under the
2 direction of or under a protocol prepared by a physician, who:

3 (1) obtains a blood, urine, or other bodily substance sample from
4 a person, regardless of whether the sample is taken for diagnostic
5 purposes or at the request of a law enforcement officer under this
6 section; or

7 (2) performs a chemical test on blood, urine, or other bodily
8 substance obtained from a person;

9 shall deliver the sample or disclose the results of the test to a law
10 enforcement officer who requests the sample or results as a part of a
11 criminal investigation. Samples and test results shall be provided to a
12 law enforcement officer even if the person has not consented to or
13 otherwise authorized their release.

14 (b) A physician, a hospital, or an agent of a physician or hospital is
15 not civilly or criminally liable for any of the following:

16 (1) Disclosing test results in accordance with this section.

17 (2) Delivering a blood, urine, or other bodily substance sample in
18 accordance with this section.

19 (3) Obtaining a blood, urine, or other bodily substance sample in
20 accordance with this section.

21 (4) Disclosing to the prosecuting attorney or the deputy
22 prosecuting attorney for use at or testifying at the criminal trial of
23 the person as to facts observed or opinions formed.

24 (5) Failing to treat a person from whom a blood, urine, or other
25 bodily substance sample is obtained at the request of a law
26 enforcement officer if the person declines treatment.

27 (6) Injury to a person arising from the performance of duties in
28 good faith under this section.

29 (c) For the purposes of this chapter, IC 9-30-5, or IC 9-30-9:

30 (1) the privileges arising from a patient-physician relationship do
31 not apply to the samples, test results, or testimony described in
32 this section; and

33 (2) samples, test results, and testimony may be admitted in a
34 proceeding in accordance with the applicable rules of evidence.

35 (d) The exceptions to the patient-physician relationship specified in
36 subsection (c) do not affect those relationships in a proceeding not
37 covered by this chapter, IC 9-30-5, or IC 9-30-9.

38 (e) The test results and samples obtained by a law enforcement

1 officer under subsection (a) may be disclosed only to a prosecuting
2 attorney or a deputy prosecuting attorney for use as evidence in a
3 criminal proceeding under this chapter, IC 9-30-5, or IC 9-30-9.

4 (f) This section does not require a physician or a person under the
5 direction of a physician to perform a chemical test.

6 (g) A physician or a person trained in obtaining bodily substance
7 samples and acting under the direction of or under a protocol prepared
8 by a physician shall obtain a blood, urine, or other bodily substance
9 sample if the following exist:

10 (1) A law enforcement officer requests that the sample be
11 obtained.

12 (2) The law enforcement officer has certified in writing the
13 following:

14 (A) That the officer has probable cause to believe the person
15 from whom the sample is to be obtained has violated
16 IC 9-30-5.

17 (B) That the person from whom the sample is to be obtained
18 has been transported to a hospital or other medical facility.

19 (C) That the person from whom the sample is to be obtained
20 has been involved in a motor vehicle accident that resulted in
21 the serious bodily injury or death of another.

22 (D) That the accident that caused the serious bodily injury or
23 death of another occurred not more than three (3) hours before
24 the time the sample is requested.

25 (3) Not more than the use of reasonable force is necessary to
26 obtain the sample.

27 (h) If the person:

28 (1) from whom the bodily substance sample is to be obtained
29 under this section does not consent; and

30 (2) resists the taking of a sample;

31 the law enforcement officer may use reasonable force to assist an
32 individual, who must be authorized under this section to obtain a
33 sample, in the taking of the sample.

34 (i) The person authorized under this section to obtain a bodily
35 substance sample shall take the sample in a medically accepted
36 manner.

37 (j) A law enforcement officer may transport the person to a place
38 other than a hospital where the sample may be obtained by any of the

following persons who are trained in obtaining bodily substance samples and who have been engaged to obtain samples under this section:

- (1) A physician holding an unlimited license to practice medicine or osteopathy.
- (2) A registered nurse.
- (3) A licensed practical nurse.
- (4) An ~~advanced~~ emergency medical ~~technician~~ **technician-basic advanced** (as defined in ~~IC 16-18-2-6~~ **IC 16-18-2-112.5**).
- (5) **An emergency medical technician-intermediate (as defined in IC 16-18-2-112.7).**
- (6) A paramedic (as defined in IC 16-18-2-266)."

Page 3, between lines 38 and 39, begin a new paragraph and insert:
 "SECTION 2. IC 10-14-3-9, AS ADDED BY SEA 257-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The agency shall prepare and maintain a current state emergency operations plan. The plan may provide for the following:

- (1) Prevention and minimization of injury and damage caused by disaster.
- (2) Prompt and effective response to disaster.
- (3) Emergency relief.
- (4) Identification of areas particularly vulnerable to disaster.
- (5) Recommendations for:
 - (A) zoning;
 - (B) building;
 - (C) other land use controls;
 - (D) safety measures for securing mobile homes or other nonpermanent or semipermanent structures; and
 - (E) other preventive and preparedness measures designed to eliminate or reduce disaster or its impact;
 that must be disseminated to both the fire prevention and building safety commission and local authorities.
- (6) Assistance to local officials in designing local emergency action plans.
- (7) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, conflagration, or

1 other disaster.

2 (8) Preparation and distribution to the appropriate state and local
3 officials of state catalogs of federal, state, and private assistance
4 programs.

5 (9) Organization of manpower and chains of command.

6 (10) Coordination of federal, state, and local disaster activities.

7 (11) Coordination of the state disaster plan with the disaster plans
8 of the federal government.

9 (12) Other necessary matters.

10 (b) The agency shall take an integral part in the development and
11 revision of local and interjurisdictional disaster plans prepared under
12 section 17 of this chapter. The agency shall employ or otherwise secure
13 the services of professional and technical personnel capable of
14 providing expert assistance to political subdivisions, a political
15 subdivision's disaster agencies, and interjurisdictional planning and
16 disaster agencies. These personnel:

17 (1) shall consult with subdivisions and government agencies on
18 a regularly scheduled basis;

19 (2) shall make field examinations of the areas, circumstances, and
20 conditions to which particular local and interjurisdictional
21 disaster plans are intended to apply; and

22 (3) may suggest revisions.

23 (c) In preparing and revising the state disaster plan, the agency shall
24 seek the advice and assistance of local government, business, labor,
25 industry, agriculture, civic and volunteer organizations, and community
26 leaders. In advising local and interjurisdictional agencies, the agency
27 shall encourage local and interjurisdictional agencies to seek advice
28 from the sources specified in this subsection.

29 (d) The state disaster plan or any part of the plan may be
30 incorporated in rules of the agency or by executive orders.

31 (e) The agency shall do the following:

32 (1) Determine requirements of the state and political subdivisions
33 for food, clothing, and other necessities in the event of an
34 emergency.

35 (2) Procure and pre-position supplies, medicines, materials, and
36 equipment.

37 (3) Adopt standards and requirements for local and
38 interjurisdictional disaster plans.

- 1 (4) Provide for mobile support units.
- 2 (5) Assist political subdivisions, political subdivisions' disaster
- 3 agencies, and interjurisdictional disaster agencies to establish and
- 4 operate training programs and public information programs.
- 5 (6) Make surveys of industries, resources, and facilities in
- 6 Indiana, both public and private, necessary to carry out this
- 7 chapter.
- 8 (7) Plan and make arrangements for the availability and use of
- 9 any private facilities, services, and property, and if necessary and
- 10 if the private facilities, services, or property is used, provide for
- 11 payment for the use under agreed upon terms and conditions.
- 12 (8) Establish a register of persons with types of training and skills
- 13 important in emergency prevention, preparedness, response, and
- 14 recovery.
- 15 (9) Establish a register of mobile and construction equipment and
- 16 temporary housing available for use in a disaster emergency.
- 17 (10) Prepare, for issuance by the governor, executive orders,
- 18 proclamations, and regulations necessary or appropriate in coping
- 19 with disaster.
- 20 (11) Cooperate with the federal government and any public or
- 21 private agency or entity in achieving any purpose of this chapter
- 22 and in implementing programs for disaster prevention,
- 23 preparation, response, and recovery.
- 24 (12) Do other things necessary, incidental, or appropriate to
- 25 implement this chapter.
- 26 (f) The agency shall ascertain the rapid and efficient
- 27 communications that exist in times of disaster emergencies. The agency
- 28 shall consider the desirability of supplementing these communications
- 29 resources or of integrating these resources into a comprehensive
- 30 intrastate or state-federal telecommunications or other communications
- 31 system or network. In studying the character and feasibility of any
- 32 system, the agency shall evaluate the possibility of multipurpose use of
- 33 the system for general state and local governmental purposes. The
- 34 agency shall make appropriate recommendations to the governor.
- 35 (g) The agency shall develop a statewide mutual aid program ~~and a~~
- 36 **to implement the** statewide mutual aid agreement."
- 37 Page 3, line 39, delete "IC 10-4-1-5.6" and insert "IC 10-14-3-10.6".
- 38 Page 3, line 41, delete "5.6." and insert "**10.6.**".

1 Page 5, line 34, delete "IC 10-4-1-5.7" and insert "IC 10-14-3-10.7".

2 Page 5, line 36, delete "5.7." and insert "**10.7.**".

3 Page 5, line 37, delete "5.6(a)" and insert "**10.6(a)**".

4 Page 6, line 6, after "assistance" insert "**for disaster response or**
5 **recovery**".

6 Page 6, line 16, delete "Notwithstanding subsection (c), a
7 participating unit" and insert "**Except as provided by an agreement**
8 **entered into under subsection (e), the following labor and**
9 **equipment reimbursement rates apply to reimbursement under**
10 **subsection (c):**

11 (1) **The labor reimbursement rates are as follows:**

12 (A) **The straight time costs of the labor force of the**
13 **participating unit rendering assistance shall be reimbursed**
14 **at the normal pay rates for responding personnel.**

15 (B) **The overtime costs of the labor force of the**
16 **participating unit rendering assistance shall be reimbursed**
17 **at one hundred fifty percent (150%) of the normal pay**
18 **rates for the responding personnel if it is the normal**
19 **practice of the requesting unit to pay these personnel**
20 **overtime.**

21 (2) **The equipment reimbursement rates are the lesser of the**
22 **following:**

23 (A) **The rates for equipment costs reimbursement**
24 **established by the Federal Emergency Management**
25 **Agency or its successor agency.**

26 (B) **The equipment costs established by the participating**
27 **unit rendering assistance."**

28 Page 6, delete lines 17 through 21.

29 Page 6, line 25, delete "subsection (c)." and insert "**subsections (c)**
30 **and (d).**".

31 Page 6, between lines 33 and 34, begin a new paragraph and insert:
32 "SECTION 7. IC 16-18-2-7, AS AMENDED BY P.L.17-2002,
33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2003]: Sec. 7. (a) "Advanced life support", for purposes of
35 IC 16-31, means care that is given:

36 (1) at the scene of:

37 (A) an accident;

38 (B) an act of terrorism (as defined in IC 35-41-1-26.5), if the

1 governor has declared a disaster emergency under IC 10-4-1-7
 2 in response to the act of terrorism; or
 3 (C) an illness;
 4 (2) during transport; or
 5 (3) at a hospital;
 6 by a paramedic or an ~~advanced~~ emergency medical ~~technician~~
 7 **technician-intermediate** and that is more advanced than the care
 8 usually provided by an emergency medical technician **or an**
 9 **emergency medical technician-basic advanced.**

10 (b) The term may include any of the following:

- 11 (1) Defibrillation.
- 12 (2) Endotracheal intubation.
- 13 (3) Parenteral injections of appropriate medications. ~~including~~
 14 ~~administration of epinephrine through an auto-injector.~~
- 15 (4) Electrocardiogram interpretation.
- 16 (5) Emergency management of trauma and illness.

17 SECTION 8. IC 16-18-2-10 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) **"Agency", for**
 19 **purposes of IC 16-31-8.5, has the meaning set forth in**
 20 **IC 16-31-8.5-1.**

21 (b) "Agency", for purposes of IC 16-41-37, has the meaning set
 22 forth in IC 16-41-37-1.

23 SECTION 9. IC 16-18-2-33.5, AS AMENDED BY P.L.93-2002,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2003]: Sec. 33.5. (a) "Basic life support", for purposes of
 26 IC 16-31, means the following:

- 27 (1) Assessment of emergency patients.
- 28 (2) Administration of oxygen.
- 29 (3) Use of mechanical breathing devices.
- 30 (4) Application of anti-shock trousers.
- 31 (5) Performance of cardiopulmonary resuscitation.
- 32 (6) Application of dressings and bandage materials.
- 33 (7) Application of splinting and immobilization devices.
- 34 (8) Use of lifting and moving devices to ensure safe transport.
- 35 (9) Use of an automatic or a semiautomatic defibrillator if the
 36 defibrillator is used in accordance with training procedures
 37 established by the Indiana emergency medical services
 38 commission.

(10) Administration by an emergency medical technician **or emergency medical technician-basic advanced** of epinephrine through an auto-injector.

(11) **For an emergency medical technician-basic advanced, the following:**

(A) **Electrocardiogram interpretation.**

(B) **Manual external defibrillation.**

(C) **Intravenous fluid therapy.**

(12) Other procedures authorized by the Indiana emergency medical services commission, including procedures contained in the revised national emergency medical technician basic training curriculum guide.

(b) Except as provided by:

(1) **subsection (a)(10) and the training and certification standards established under IC 16-31-2-9(4);**

(2) **subsection (a)(11)(C); and**

(3) **the training standards established under IC 16-31-2-9(5);**
in subsection (a)(10) and by the training and certification standards established under ~~IC 16-31-2-9(5)~~, the term does not include invasive medical care techniques or advanced life support. ~~except as provided by the training and certification standards established under IC 16-31-2-9(4).~~

SECTION 10. IC 16-18-2-112.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 112.5. "Emergency medical technician-basic advanced"**, for purposes of IC 16-31, means an individual who is certified under IC 16-31 to provide basic life support at the scene of an accident or illness or during transport.

SECTION 11. IC 16-18-2-112.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 112.7. "Emergency medical technician-intermediate"**, for purposes of IC 16-31, means an individual who can perform at least one (1) of but not all the procedures of a paramedic and who:

(1) **has completed a prescribed course in advanced life support;**

(2) **has been certified by the Indiana emergency medical services commission;**

- 1 **(3) is associated with a single supervising hospital; and**
 2 **(4) is affiliated with a provider organization.**

3 SECTION 12. IC 16-18-2-143, AS AMENDED BY P.L.81-2002,
 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2003]: Sec. 143. (a) "Fund", for purposes of IC 16-26-2, has
 6 the meaning set forth in IC 16-26-2-2.

7 **(b) "Fund", for purposes of IC 16-31-8.5, has the meaning set**
 8 **forth in IC 16-31-8.5-2.**

9 **(c) "Fund", for purposes of IC 16-46-5, has the meaning set forth in**
 10 **IC 16-46-5-3.**

11 ~~(c)~~ **(d) "Fund", for purposes of IC 16-46-12, has the meaning set**
 12 **forth in IC 16-46-12-1.**

13 SECTION 13. IC 16-18-2-163, AS AMENDED BY P.L.148-1999,
 14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2003]: Sec. 163. (a) "Health care provider", for purposes of
 16 IC 16-21 and IC 16-41, means any of the following:

17 (1) An individual, a partnership, a corporation, a professional
 18 corporation, a facility, or an institution licensed or legally
 19 authorized by this state to provide health care or professional
 20 services as a licensed physician, a psychiatric hospital, a hospital,
 21 a health facility, an emergency ambulance service (IC 16-31-3),
 22 a dentist, a registered or licensed practical nurse, a midwife, an
 23 optometrist, a pharmacist, a podiatrist, a chiropractor, a physical
 24 therapist, a respiratory care practitioner, an occupational therapist,
 25 a psychologist, a paramedic, an emergency medical technician, ~~or~~
 26 ~~an advanced emergency technician;~~ **medical technician-basic**
 27 **advanced, an emergency medical technician-intermediate,** or
 28 a person who is an officer, employee, or agent of the individual,
 29 partnership, corporation, professional corporation, facility, or
 30 institution acting in the course and scope of the person's
 31 employment.

32 (2) A college, university, or junior college that provides health
 33 care to a student, a faculty member, or an employee, and the
 34 governing board or a person who is an officer, employee, or agent
 35 of the college, university, or junior college acting in the course
 36 and scope of the person's employment.

37 (3) A blood bank, community mental health center, community
 38 mental retardation center, community health center, or migrant

- 1 health center.
- 2 (4) A home health agency (as defined in IC 16-27-1-2).
- 3 (5) A health maintenance organization (as defined in
- 4 IC 27-13-1-19).
- 5 (6) A health care organization whose members, shareholders, or
- 6 partners are health care providers under subdivision (1).
- 7 (7) A corporation, partnership, or professional corporation not
- 8 otherwise qualified under this subsection that:
- 9 (A) provides health care as one (1) of the corporation's,
- 10 partnership's, or professional corporation's functions;
- 11 (B) is organized or registered under state law; and
- 12 (C) is determined to be eligible for coverage as a health care
- 13 provider under IC 34-18 for the corporation's, partnership's, or
- 14 professional corporation's health care function.
- 15 Coverage for a health care provider qualified under this subdivision is
- 16 limited to the health care provider's health care functions and does not
- 17 extend to other causes of action.
- 18 (b) "Health care provider", for purposes of IC 16-35, has the
- 19 meaning set forth in subsection (a). However, for purposes of IC 16-35,
- 20 the term also includes a health facility (as defined in section 167 of this
- 21 chapter).
- 22 (c) "Health care provider", for purposes of IC 16-36-5, means an
- 23 individual licensed or authorized by this state to provide health care or
- 24 professional services as:
- 25 (1) a licensed physician;
- 26 (2) a registered nurse;
- 27 (3) a licensed practical nurse;
- 28 (4) an advanced practice nurse;
- 29 (5) a licensed nurse midwife;
- 30 (6) a paramedic;
- 31 (7) an emergency medical technician;
- 32 (8) an ~~advanced~~ emergency medical ~~technician~~ or
- 33 **technician-basic advanced;**
- 34 **(9) an emergency medical technician-intermediate; or**
- 35 **(10) a first responder, as defined under IC 16-18-2-131.**
- 36 The term includes an individual who is an employee or agent of a
- 37 health care provider acting in the course and scope of the individual's
- 38 employment.

SECTION 14. IC 16-18-2-295, AS AMENDED BY P.L.256-1999,
SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2003]: Sec. 295. (a) "Provider", for purposes of IC 16-38-5,
IC 16-39 (except for IC 16-39-7) and IC 16-41-1 through IC 16-41-9
and IC 16-41-37, means any of the following:

(1) An individual (other than an individual who is an employee or
a contractor of a hospital, a facility, or an agency described in
subdivision (2) or (3)) who is licensed, registered, or certified as
a health care professional, including the following:

(A) A physician.

(B) A psychotherapist.

(C) A dentist.

(D) A registered nurse.

(E) A licensed practical nurse.

(F) An optometrist.

(G) A podiatrist.

(H) A chiropractor.

(I) A physical therapist.

(J) A psychologist.

(K) An audiologist.

(L) A speech-language pathologist.

(M) A dietitian.

(N) An occupational therapist.

(O) A respiratory therapist.

(P) A pharmacist.

(2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or
described in IC 12-24-1 or IC 12-29.

(3) A health facility licensed under IC 16-28-2.

(4) A home health agency licensed under IC 16-27-1.

(5) An employer of a certified emergency medical technician, a
certified ~~advanced~~ emergency medical ~~technician~~
technician-basic advanced, a certified emergency medical
technician-intermediate, or a certified paramedic.

(6) The state department or a local health department or an
employee, agent, designee, or contractor of the state department
or local health department.

(b) "Provider", for purposes of IC 16-39-7-1, has the meaning set
forth in IC 16-39-7-1(a).

SECTION 15. IC 16-18-2-337 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 337. "Sponsoring" or "supervising hospital", for purposes of IC 16-31, means a hospital:

- (1) that is licensed under IC 16-21-2 or under the licensing law of another state; and
- (2) that has been certified by the emergency medical services commission to sponsor or supervise paramedics, ~~advanced~~ emergency medical ~~technicians~~, **technicians-intermediate**, and provider organizations in providing advanced life support.

SECTION 16. IC 16-31-2-9, AS AMENDED BY P.L.93-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. The commission shall establish the following:

- (1) Standards for persons who provide emergency medical services and who are not licensed or regulated under IC 16-31-3.
- (2) Training and certification standards for the use of automatic and semiautomatic defibrillators by first responders.
- (3) Training ~~and certification~~ standards for the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military attack.
- (4) Training and certification standards for the administration of epinephrine through an auto-injector by:
 - (A) an emergency medical technician; or
 - (B) an ~~advanced~~ emergency medical ~~technician~~ **technician-basic advanced**.
- (5) Training ~~and certification~~ standards to permit the use of antidote kits **containing atropine and pralidoxime chloride** for the treatment of exposure to ~~chemical agent VX (nerve agent)~~ **nerve agents** by ~~advanced an emergency medical technicians~~ **technician-basic advanced**, and ~~emergency medical technicians~~ **who an emergency medical technician, or a first responder.** ~~work for emergency medical service providers located in:~~
 - (A) a county having a population of more than eight thousand (8,000) but less than nine thousand (9,000);
 - (B) a county having a population of more than sixteen thousand seven hundred (16,700) but less than seventeen thousand (17,000);
 - (C) a county having a population of more than seventeen thousand (17,000) but less than seventeen thousand five

- 1 ~~hundred (17,500);~~
 2 ~~(D) a county having a population of more than seventeen~~
 3 ~~thousand five hundred (17,500) but less than eighteen~~
 4 ~~thousand (18,000);~~
 5 ~~(E) a county having a population of more than thirty-six~~
 6 ~~thousand (36,000) but less than thirty-six thousand~~
 7 ~~seventy-five (36,075);~~
 8 ~~(F) a county having a population of more than thirty-seven~~
 9 ~~thousand (37,000) but less than thirty-eight thousand (38,000);~~
 10 ~~and~~
 11 ~~(G) a county having a population of more than one hundred~~
 12 ~~five thousand (105,000) but less than one hundred ten~~
 13 ~~thousand (110,000).~~

14 SECTION 17. IC 16-31-2-11, AS AMENDED BY P.L.127-2001,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2003]: Sec. 11. (a) The commission shall develop procedures
 17 for ongoing review of all emergency ambulance services.

18 (b) The commission may review any pre-hospital ambulance rescue
 19 or report record regarding an emergency patient that is utilized or
 20 compiled by an emergency ambulance service employing paramedics,
 21 **emergency medical technicians-intermediate**, emergency medical
 22 technicians, or ~~advanced~~ emergency medical ~~technicians-~~
 23 **technicians-basic advanced**. However, except as provided in
 24 subsection (d), those records shall remain confidential and may be used
 25 solely for the purpose of compiling data and statistics. The use of such
 26 data or statistics is subject to IC 4-1-6.

27 (c) The commission may develop and oversee experimental study
 28 projects conducted by ambulance service providers in limited
 29 geographic areas of Indiana. These study projects must be developed
 30 and conducted in accordance with rules adopted by the commission
 31 under IC 4-22-2. These study projects must be designed to test the
 32 efficacy of new patient care techniques and new ambulance service
 33 systems.

34 (d) This subsection applies to emergency ambulance services that
 35 are provided by or under a contract with an entity that is a public
 36 agency for purposes of IC 5-14-3. The following information, if
 37 contained in a pre-hospital ambulance rescue or report record regarding
 38 an emergency patient, is public information and must be made

1 available for inspection and copying under IC 5-14-3:

- 2 (1) The date and time of the request for ambulance services.
- 3 (2) The reason for the request for assistance.
- 4 (3) The time and nature of the response to the request for
- 5 ambulance services.
- 6 (4) The time of arrival at the scene where the patient was located.
- 7 (5) The time of departure from the scene where the patient was
- 8 located.
- 9 (6) The name of the facility, if any, to which the patient was
- 10 delivered for further treatment and the time of arrival at that
- 11 facility.

12 SECTION 18. IC 16-31-3-5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The commission
 14 shall waive any rule for a person who provides emergency ambulance
 15 service, an emergency medical technician, **an emergency medical**
 16 **technician-basic advanced, an emergency medical**
 17 **technician-intermediate, a paramedic,** or an ambulance when
 18 operating from a location in an adjoining state by contract with an
 19 Indiana unit of government to provide emergency ambulance or
 20 medical services to patients who are picked up or treated in Indiana.

21 (b) **The commission may waive any rule, including a rule**
 22 **establishing a fee, for a person who submits facts demonstrating**
 23 **that:**

- 24 (1) **compliance with the rule will impose an undue hardship on**
- 25 **the person; and**
- 26 (2) **either:**
 - 27 (A) **noncompliance with the rule; or**
 - 28 (B) **compliance with an alternative requirement approved**
 - 29 **by the commission;**
- 30 **will not jeopardize the quality of patient care. However, the**
- 31 **commission may not waive a rule that sets forth educational**
- 32 **requirements for a person regulated under this article.**

33 (c) **A waiver granted under subsection (b)(2)(B) is conditioned**
 34 **upon compliance with the alternative requirement approved under**
 35 **subsection (b).**

36 (d) **The commission shall establish an expiration date for any**
 37 **waiver that is granted.**

38 (e) **The commission may renew a waiver if the person makes the**

1 **same demonstration required for the original waiver.**

2 SECTION 19. IC 16-31-3-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) Except as
4 provided in subsection (b), to renew a certificate issued under this
5 chapter upon expiration of the certificate for any reason, a person must
6 comply with any continuing education requirements that have been
7 established by the commission. To renew a certificate issued under this
8 chapter after a ~~suspension~~, revocation ~~or termination~~ of the certificate,
9 a person must comply with all the requirements of this chapter that
10 apply to the original certification.

11 (b) A renewal of an emergency medical technician, **an emergency**
12 **medical technician-basic advanced, an emergency medical**
13 **technician-intermediate, or a paramedic** certificate shall be issued
14 to an individual who meets the following conditions:

15 (1) While holding a valid ~~emergency medical technician~~
16 certificate, enters the armed forces of the United States, including:

17 (A) the army;

18 (B) the navy;

19 (C) the air force;

20 (D) the marines; or

21 (E) the coast guard;

22 but excluding the guard and reserve components of those forces.

23 (2) Is discharged from the armed forces of the United States
24 **within** forty-eight (48) months after the individual entered the
25 armed forces.

26 (3) Successfully completes, not more than nine (9) months after
27 the individual's discharge from the armed forces of the United
28 States, a refresher course approved by the commission.

29 (4) Applies for the certificate renewal not more than one (1) year
30 after the individual's discharge from the armed forces of the
31 United States.

32 (5) Passes the written and practical skills examinations.

33 (c) **A renewal of an emergency medical technician, an**
34 **emergency medical technician-basic advanced, an emergency**
35 **medical technician-intermediate, or a paramedic certificate must**
36 **be issued to an individual who meets the following conditions:**

37 (1) **While holding a valid certificate, the individual is called to**
38 **active military duty as a member of the Indiana national**

guard or a reserve component of the armed forces of the United States, including:

- (A) the army;
- (B) the navy;
- (C) the air force;
- (D) the marines; or
- (E) the coast guard.

(2) The individual provides the emergency medical services commission with a copy of the document from the armed forces that called the individual to active duty.

(3) The individual applies for the certificate renewal not more than one hundred twenty (120) days after the individual leaves active duty.

SECTION 20. IC 16-31-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) Except as provided in subsection (d), after notice and hearing the commission may suspend or revoke a certificate issued under this chapter for failure to comply and maintain compliance with or for violation of any applicable provisions, standards, or other requirements of this chapter or rules adopted under this chapter. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the state emergency management agency determines that the certificate holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the

1 certificate holder should be entrusted to provide emergency
2 medical services;

3 (6) is convicted of violating IC 9-19-14.5;

4 (7) fails to comply and maintain compliance with or violates
5 any applicable provision, standard, or other requirement of
6 this article or rules adopted under this article;

7 (8) continues to practice if the certificate holder becomes unfit
8 to practice due to:

9 (A) professional incompetence that includes the
10 undertaking of professional activities that the certificate
11 holder is not qualified by training or experience to
12 undertake;

13 (B) failure to keep abreast of current professional theory
14 or practice;

15 (C) physical or mental disability; or

16 (D) addiction to, abuse of, or dependency on alcohol or
17 other drugs that endanger the public by impairing the
18 certificate holder's ability to practice safely;

19 (9) engages in a course of lewd or immoral conduct in
20 connection with the delivery of services to the public;

21 (10) allows the certificate holder's name or a certificate issued
22 under this article to be used in connection with a person who
23 renders services beyond the scope of that person's training,
24 experience, or competence;

25 (11) is subjected to disciplinary action in another state or
26 jurisdiction on grounds similar to those contained in this
27 chapter. For purposes of this subdivision, a certified copy of
28 a record of disciplinary action constitutes prima facie
29 evidence of a disciplinary action in another jurisdiction;

30 (12) assists another person in committing an act that would
31 constitute a ground for disciplinary sanction under this
32 chapter; or

33 (13) allows a certificate issued by the commission to be:

34 (A) used by another person; or

35 (B) displayed to the public when the certificate is expired,
36 inactive, invalid, revoked, or suspended.

37 (b) On motion of the commission or on the verified written
38 complaint of an interested person, the director of the state emergency

1 management agency shall conduct an investigation.

2 (b) The state emergency management agency may issue an
3 order under IC 4-21.5-3-6 to impose one (1) or more of the
4 following sanctions if the state emergency management agency
5 determines that a certificate holder is subject to disciplinary
6 sanctions under subsection (a):

7 (1) Revocation of a certificate holder's certificate for a period
8 not to exceed seven (7) years.

9 (2) Suspension of a certificate holder's certificate for a period
10 not to exceed seven (7) years.

11 (3) Censure of a certificate holder.

12 (4) Issuance of a letter of reprimand.

13 (5) Assessment of a civil penalty against the certificate holder
14 in accordance with the following:

15 (A) The civil penalty may not exceed five hundred dollars
16 (\$500) per day per violation.

17 (B) If the certificate holder fails to pay the civil penalty
18 within the time specified by the state emergency
19 management agency, the state emergency management
20 agency may suspend the certificate holder's certificate
21 without additional proceedings.

22 (6) Placement of a certificate holder on probation status and
23 requirement of the certificate holder to:

24 (A) report regularly to the state emergency management
25 agency upon the matters that are the basis of probation;

26 (B) limit practice to those areas prescribed by the state
27 emergency management agency;

28 (C) continue or renew professional education approved by
29 the state emergency management agency until a
30 satisfactory degree of skill has been attained in those areas
31 that are the basis of the probation; or

32 (D) perform or refrain from performing any acts,
33 including community restitution or service without
34 compensation, that the state emergency management
35 agency considers appropriate to the public interest or to
36 the rehabilitation or treatment of the certificate holder.

37 The state emergency management agency may withdraw or
38 modify this probation if the state emergency management

1 **agency finds after a hearing that the deficiency that required**
2 **disciplinary action is remedied or that changed circumstances**
3 **warrant a modification of the order.**

4 (c) Except as provided in subsection (d), the commission may
5 initiate proceedings to suspend or revoke a certificate on the
6 commission's own motion or on the verified written complaint of an
7 interested person. All proceedings to suspend or revoke a certificate
8 shall be conducted in accordance with IC 4-21.5-3.

9 (c) If an applicant or a certificate holder has engaged in or
10 **knowingly cooperated in fraud or material deception to obtain a**
11 **certificate, including cheating on the certification examination, the**
12 **state emergency management agency may rescind the certificate if**
13 **it has been granted, void the examination or other fraudulent or**
14 **deceptive material, and prohibit the applicant from reapplying for**
15 **the certificate for a length of time established by the state**
16 **emergency management agency.**

17 (d) The commission or the director may, on finding that the public
18 health or safety is in imminent danger, temporarily suspend a certificate
19 without hearing for not more than ninety (90) days on notice to the
20 certificate holder.

21 (d) The state emergency management agency may deny
22 certification to an applicant who would be subject to disciplinary
23 sanctions under subsection (b) if that person were a certificate
24 holder, has had disciplinary action taken against the applicant or
25 the applicant's certificate to practice in another state or
26 jurisdiction, or has practiced without a certificate in violation of
27 the law. A certified copy of the record of disciplinary action is
28 conclusive evidence of the other jurisdiction's disciplinary action.

29 (e) On suspension, revocation, or termination of a certificate, the
30 provision of the service shall cease.

31 (e) The state emergency management agency may order a
32 certificate holder to submit to a reasonable physical or mental
33 examination if the certificate holder's physical or mental capacity
34 to practice safely and competently is at issue in a disciplinary
35 proceeding. Failure to comply with a state emergency management
36 agency order to submit to a physical or mental examination makes
37 a certificate holder liable to temporary suspension under
38 subsection (i).

(f) A written complaint filed with the commission and information pertaining to the complaint are confidential until one (1) of following occurs:

(1) Notice is sent under IC 4-21.5-3 that certification suspension or revocation proceedings relating to the complaint or information have been initiated.

(2) Notice is sent under section 17 of this chapter that a hearing is to be held concerning the imposition of a fine for a violation relating to the complaint or information.

(3) The complaint or information is required to be disclosed by the order of a court.

(f) Except as provided under subsection (a) and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The commission may suspend or revoke a certificate under this section for not more than seven (7) years from the date the suspension or revocation is effective. After the time set by the commission has expired, the certificate holder may apply for renewal of the certificate under this chapter.

(g) The state emergency management agency may deny, suspend, or revoke a certificate issued under this chapter if the individual who holds or is applying for the certificate is convicted of any of the following:

(1) Possession of cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-6.

(2) Possession of a controlled substance under IC 35-48-4-7(a).

(3) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(4) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(5) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(6) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

1 (7) Possession of marijuana, hash oil, or hashish as a Class D
2 felony under IC 35-48-4-11.

3 (8) Maintaining a common nuisance under IC 35-48-4-13.

4 (9) An offense relating to registration, labeling, and
5 prescription forms under IC 35-48-4-14.

6 (10) Conspiracy under IC 35-41-5-2 to commit an offense
7 listed in subdivisions (1) through (9).

8 (11) Attempt under IC 35-41-5-1 to commit an offense listed
9 in subdivisions (1) through (10).

10 (12) An offense in any other jurisdiction in which the elements
11 of the offense for which the conviction was entered are
12 substantially similar to the elements of an offense described
13 by subdivisions (1) through (11).

14 (h) A decision of the state emergency management agency under
15 subsections (b) through (g) may be appealed to the commission
16 under IC 4-21.5-3-7.

17 (i) The state emergency management agency may temporarily
18 suspend a certificate holder's certificate under IC 4-21.5-4 before
19 a final adjudication or during the appeals process if the state
20 emergency management agency finds that a certificate holder
21 would represent a clear and immediate danger to the public's
22 health, safety, or property if the certificate holder were allowed to
23 continue to practice.

24 (j) On receipt of a complaint or information alleging that a
25 person certified under this chapter or IC 16-31-3.5 has engaged in
26 or is engaging in a practice that is subject to disciplinary sanctions
27 under this chapter, the state emergency management agency must
28 initiate an investigation against the person.

29 (k) The state emergency management agency shall conduct a
30 factfinding investigation as the state emergency management
31 agency considers proper in relation to the complaint.

32 (l) The state emergency management agency may reinstate a
33 certificate that has been suspended under this section if the state
34 emergency management agency is satisfied that the applicant is
35 able to practice with reasonable skill, competency, and safety to the
36 public. As a condition of reinstatement, the state emergency
37 management agency may impose disciplinary or corrective
38 measures authorized under this chapter.

1 (m) The state emergency management agency may not reinstate
2 a certificate that has been revoked under this chapter.

3 (n) The state emergency management agency must be consistent
4 in the application of sanctions authorized in this chapter.
5 Significant departures from prior decisions involving similar
6 conduct must be explained in the state emergency management
7 agency's findings or orders.

8 (o) A certificate holder may not surrender the certificate
9 holder's certificate without the written approval of the state
10 emergency management agency, and the state emergency
11 management agency may impose any conditions appropriate to the
12 surrender or reinstatement of a surrendered certificate.

13 (p) For purposes of this section, "certificate holder" means a
14 person who holds:

- 15 (1) an unlimited certificate;
- 16 (2) a limited or probationary certificate; or
- 17 (3) an inactive certificate.

18 SECTION 21. IC 16-31-3-14.5, AS AMENDED BY P.L.1-2002,
19 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2003]: Sec. 14.5. The ~~commission~~ **state emergency**
21 **management agency** may **issue an order under IC 4-21.5-3-6 to**
22 **deny an applicant's request for certification or** permanently revoke
23 a ~~license or~~ certificate under procedures provided by section 14 of this
24 chapter if the individual who holds the ~~license or~~ certificate issued
25 under this title is convicted of any of the following:

- 26 (1) Dealing in or manufacturing cocaine, a narcotic drug, or
27 methamphetamine under IC 35-48-4-1.
- 28 (2) Dealing in a schedule I, II, or III controlled substance under
29 IC 35-48-4-2.
- 30 (3) Dealing in a schedule IV controlled substance under
31 IC 35-48-4-3.
- 32 (4) Dealing in a schedule V controlled substance under
33 IC 35-48-4-4.
- 34 (5) Dealing in a substance represented to be a controlled
35 substance under IC 35-48-4-4.5.
- 36 (6) Knowingly or intentionally manufacturing, advertising,
37 distributing, or possessing with intent to manufacture, advertise,
38 or distribute a substance represented to be a controlled substance

- 1 under IC 35-48-4-4.6.
- 2 (7) Dealing in a counterfeit substance under IC 35-48-4-5.
- 3 (8) Dealing in marijuana, hash oil, or hashish under
- 4 IC 35-48-4-10(b).
- 5 (9) Conspiracy under IC 35-41-5-2 to commit an offense listed in
- 6 subdivisions (1) through (8).
- 7 (10) Attempt under IC 35-41-5-1 to commit an offense listed in
- 8 subdivisions (1) through (8).
- 9 (11) A crime of violence (as defined in IC 35-50-1-2(a)).
- 10 (12) An offense in any other jurisdiction in which the elements of
- 11 the offense for which the conviction was entered are substantially
- 12 similar to the elements of an offense described under subdivisions
- 13 (1) through (11).

14 SECTION 22. IC 16-31-3-17 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) The ~~director~~
 16 **state emergency management agency may issue an order to may**
 17 **penalize an ambulance service provider or a person certified under this**
 18 **chapter who has practiced without a certificate in violation of this**
 19 **article imposing a civil penalty of** not more than five hundred dollars
 20 **(\$500) per occurrence. for a violation of a patient care standard or rule**
 21 **that is established by the commission under rules adopted under**
 22 **IC 4-22-2.**

23 (b) A civil penalty may be imposed only after a hearing on the
 24 imposition of the penalty has been held by the director or the director's
 25 designee. Notice of the hearing must be mailed to the provider at least
 26 ten ~~(10)~~ days before the date set for the hearing.

27 (c) An ambulance service provider or a person certified under this
 28 chapter who is penalized under this chapter may appeal the
 29 determination under IC 4-21.5. At the hearing, the provider or certified
 30 person is entitled to do the following:

- 31 (1) ~~Be represented by an attorney.~~
- 32 (2) ~~Present evidence in that person's behalf.~~
- 33 (3) ~~Cross-examine witnesses.~~

34 (b) A decision of the state emergency management agency under
 35 subsection (a) may be appealed to the commission under
 36 IC 4-21.5-3-7.

37 SECTION 23. IC 16-31-3-19 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. The commission

shall appoint an advanced life support operations subcommittee to advise the commission on the development of:

(1) standards for the certification of:

(A) provider organizations;

(B) paramedics;

(C) ~~advanced~~ emergency medical ~~technicians;~~
technicians-intermediate; and

(D) supervising hospitals; and

(2) rules governing the operation of advanced life support services.

SECTION 24. IC 16-31-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. The commission shall adopt rules under IC 4-22-2 that promote the orderly development of advanced life support services in Indiana. The rules must include the following:

(1) Requirements and procedures for the certification of provider organizations, paramedics, ~~advanced~~ emergency medical ~~technicians;~~ **technicians-intermediate**, and supervising hospitals.

(2) Rules governing the operation of advanced life support services, including the medications and procedures that may be administered and performed by paramedics and ~~advanced~~ emergency medical ~~technicians;~~ **technicians-intermediate**.

SECTION 25. IC 16-31-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) Notwithstanding any other law, a certified paramedic or ~~an advanced~~ **a certified** emergency medical ~~technician~~ **technician-intermediate** may perform advanced life support in an emergency according to the rules of the commission.

(b) Notwithstanding any other law, a person may, during a course of instruction in advanced life support, perform advanced life support according to the rules of the commission.

SECTION 26. IC 16-31-3-23, AS ADDED BY P.L.17-2002, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. An emergency medical technician or ~~advanced~~ emergency medical ~~technician~~ **technician-basic advanced** who is certified under this article may administer epinephrine through an auto-injector to an individual who is experiencing symptoms of an allergic reaction or anaphylaxis.

1 SECTION 27. IC 16-31-3.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]:

4 **Chapter 3.5. Emergency Medical Dispatch**

5 **Sec. 1. (a) The definitions in this section apply throughout this**
6 **chapter.**

7 (b) "Medical director" means a licensed physician who provides
8 emergency medical dispatch medical direction to the emergency
9 medical dispatch agency and works with the local emergency
10 medical services medical director, if not the same person.

11 (c) "Emergency medical dispatcher" means a person who is
12 trained to provide emergency medical dispatch services and who
13 is certified under this chapter.

14 (d) "Emergency medical dispatching" means the reception,
15 evaluation, processing, and provision of dispatch life support,
16 management of requests for emergency medical assistance, and
17 participation in ongoing evaluation and improvement of the
18 emergency medical dispatch process. This process includes
19 identifying the nature of the request, prioritizing the severity of the
20 request, dispatching the necessary resources, providing medical aid
21 and safety instructions to the callers, and coordinating the
22 responding resources as needed, but does not include call routing
23 itself.

24 (e) "Emergency medical dispatch agency" means any person
25 that provides emergency medical dispatching for emergency
26 medical assistance that is certified under this chapter.

27 **Sec. 2. This chapter does not apply to a person who solely**
28 **dispatches prescheduled emergency medical transports.**

29 **Sec. 3. (a) An individual may not furnish, operate, conduct,**
30 **maintain, or advertise services as an emergency medical dispatcher**
31 **or otherwise be engaged as an emergency medical dispatcher**
32 **unless that individual is certified by the commission as an**
33 **emergency medical dispatcher.**

34 (b) A person may not furnish, operate, conduct, maintain, or
35 advertise services as an emergency medical dispatcher or otherwise
36 be engaged as an emergency medical dispatch agency unless
37 certified by the commission as an emergency medical dispatch
38 agency.

1 **Sec. 4. (a) To be certified as an emergency medical dispatcher,**
2 **an individual must:**

- 3 (1) **meet the standards for education and training established**
4 **by the commission;**
5 (2) **successfully complete a written competency examination**
6 **approved by the commission; and**
7 (3) **pay the fee established by the commission.**

8 **(b) An emergency medical dispatcher certificate expires two (2)**
9 **years after the date of its issuance. To renew a certificate, an**
10 **emergency medical dispatcher must:**

- 11 (1) **meet the education and training renewal standards**
12 **established by the commission; and**
13 (2) **pay the fee established by the commission.**

14 **(c) An emergency medical dispatcher must follow protocols,**
15 **procedures, standards, and policies established by the commission.**

16 **(d) An emergency medical dispatcher shall keep the commission**
17 **informed of the entity or agency that employs or supervises the**
18 **dispatcher's activities as an emergency medical dispatcher.**

19 **(e) An emergency medical dispatcher shall report to the**
20 **commission whenever an action has taken place that may justify**
21 **the revocation or suspension of a certificate issued by the**
22 **commission.**

23 **Sec. 5. (a) To be certified as an emergency medical dispatch**
24 **agency, a person must:**

- 25 (1) **meet the standards established by the commission; and**
26 (2) **pay the fee established by the commission.**

27 **(b) An emergency medical dispatch agency certificate expires**
28 **two (2) years after the date of its issuance. To renew a certificate,**
29 **an emergency medical dispatch agency must:**

- 30 (1) **meet the renewal requirements established by the**
31 **commission; and**
32 (2) **pay the fee established by the commission.**

33 **(c) The emergency medical dispatch agency must be operated in**
34 **a safe, efficient, and effective manner in accordance with**
35 **commission approved standards that include the following**
36 **requirements:**

- 37 (1) **All personnel providing emergency medical dispatch**
38 **services must be certified as emergency medical dispatchers**

1 by the commission before functioning alone in an online
2 capacity.

3 (2) The protocols, procedures, standards, and policies used by
4 an emergency medical dispatch agency to dispatch emergency
5 medical aid must comply with the requirements established by
6 the commission.

7 (3) The commission must require the emergency medical
8 dispatch agency to appoint a dispatch medical director to
9 provide supervision and oversight over the medical aspects of
10 the operation of the emergency medical dispatch agency.

11 (d) The commission may require the submission of periodic
12 reports from an emergency medical dispatch agency. The
13 emergency medical dispatch agency must submit the reports in the
14 manner and with the frequency required by the commission.

15 (e) An emergency medical dispatch agency shall report to the
16 commission whenever an action occurs that may justify the
17 revocation or suspension of a certificate issued by the commission.

18 Sec. 6. (a) The commission must require emergency medical
19 dispatchers to participate in continuing emergency medical
20 dispatch education and training.

21 (b) An emergency medical dispatcher education and training
22 course must be approved by the commission and must be
23 conducted by an instructor or instructors that meet qualifications
24 established by the commission.

25 (c) A person may not offer or conduct a training course that is
26 represented as a course for emergency medical dispatcher
27 certification unless the course is approved by the commission and
28 the instructor or instructors meet the qualifications established by
29 the commission.

30 Sec. 7. The commission shall adopt rules under IC 4-22-2 to
31 implement this chapter.

32 SECTION 28. IC 16-31-6-1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) ~~An ambulance~~
34 ~~attendant or~~ A certified emergency medical technician or a certified
35 emergency medical technician-basic advanced who provides
36 emergency ambulance medical services to an emergency patient is not
37 liable for an act or omission in providing those services unless the act
38 or omission constitutes negligence or willful misconduct. If the

1 ~~attendant or emergency medical~~ technician or **emergency medical**
 2 **technician-basic advanced** is not liable for an act or omission, no
 3 other person incurs liability by reason of an agency relationship with
 4 the ~~attendant or emergency medical~~ technician or **emergency medical**
 5 **technician-basic advanced**.

6 (b) This section does not affect the liability of a driver of an
 7 ambulance for negligent operation of the ambulance.

8 SECTION 29. IC 16-31-6-3 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. An act or omission
 10 of a paramedic or ~~advanced an~~ emergency medical ~~technician~~
 11 **technician-intermediate** done or omitted in good faith while providing
 12 advanced life support to a patient or trauma victim does not impose
 13 liability upon the paramedic or ~~advanced~~ emergency medical
 14 ~~technician~~ **technician-intermediate**, the authorizing physician, the
 15 hospital, or the officers, members of the staff, nurses, or other
 16 employees of the hospital or the local governmental unit if the
 17 advanced life support is provided:

18 (1) in connection with an emergency;

19 (2) in good faith; and

20 (3) under the written or oral direction of a licensed physician;

21 unless the act or omission was a result of negligence or willful
 22 misconduct.

23 SECTION 30. IC 16-31-6-4, AS ADDED BY P.L.156-2001,
 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2003]: Sec. 4. (a) This section does not apply to an act or
 26 omission that was a result of gross negligence or willful or intentional
 27 misconduct.

28 (b) An act or omission of a paramedic, an ~~advanced~~ emergency
 29 medical ~~technician~~ **technician-intermediate**, an emergency medical
 30 ~~technician~~ **technician-basic advanced**, **an emergency medical**
 31 **technician**, or a person with equivalent certification from another state
 32 that is performed or made while providing advanced life support or
 33 basic life support to a patient or trauma victim does not impose liability
 34 upon the paramedic, the ~~advanced~~ emergency medical ~~technician~~
 35 **technician-intermediate**, the emergency medical ~~technician~~
 36 **technician-basic advanced**, **an emergency medical technician**, the
 37 person with equivalent certification from another state, a hospital, a
 38 provider organization, a governmental entity, or an employee or other

staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

(1) in connection with a disaster emergency declared by the governor under IC 10-4-1-7 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

SECTION 31. IC 16-31-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 8.5. Emergency Medical Services Fund

Sec. 1. As used in this chapter, "agency" refers to the state emergency management agency established by IC 10-8-2-1.

Sec. 2. As used in this chapter, "fund" refers to the emergency medical services fund established by section 3 of this chapter.

Sec. 3. The emergency medical services fund is established to defray the personal services expense, other operating expense, and capital outlay of the:

(1) commission; and

(2) employees of the agency.

Sec. 4. The agency shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

Sec. 5. The treasurer of state shall invest the money in the fund that is not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

Sec. 6. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 32. IC 25-22.5-1-2, AS AMENDED BY P.L.255-2001, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.

- 1 (2) A person who renders service in case of emergency where no
- 2 fee or other consideration is contemplated, charged, or received.
- 3 (3) A paramedic (as defined in IC 16-18-2-266), an ~~advanced~~
- 4 emergency medical ~~technician~~ **technician-basic advanced** (as
- 5 defined in ~~IC 16-18-2-6~~ **IC 16-18-2-112.5**), an **emergency**
- 6 **medical technician-intermediate** (as defined in
- 7 **IC 16-18-2-112.7**), an emergency medical technician (as defined
- 8 in IC 16-18-2-112), or a person with equivalent certification from
- 9 another state who renders advanced life support (as defined in
- 10 IC 16-18-2-7) or basic life support (as defined in
- 11 IC 16-18-2-33.5):
- 12 (A) during a disaster emergency declared by the governor
- 13 under IC 10-4-1-7 in response to an act that the governor in
- 14 good faith believes to be an act of terrorism (as defined in
- 15 IC 35-41-1-26.5); and
- 16 (B) in accordance with the rules adopted by the Indiana
- 17 emergency medical services commission or the disaster
- 18 emergency declaration of the governor.
- 19 (4) Commissioned medical officers or medical service officers of
- 20 the armed forces of the United States, the United States Public
- 21 Health Service, and medical officers of the United States
- 22 Department of Veterans Affairs in the discharge of their official
- 23 duties in Indiana.
- 24 (5) An individual who is not a licensee who resides in another
- 25 state or country and is authorized to practice medicine or
- 26 osteopathic medicine there, who is called in for consultation by an
- 27 individual licensed to practice medicine or osteopathic medicine
- 28 in Indiana.
- 29 (6) A person administering a domestic or family remedy to a
- 30 member of the person's family.
- 31 (7) A member of a church practicing the religious tenets of the
- 32 church if the member does not make a medical diagnosis,
- 33 prescribe or administer drugs or medicines, perform surgical or
- 34 physical operations, or assume the title of or profess to be a
- 35 physician.
- 36 (8) A school corporation and a school employee who acts under
- 37 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 38 (9) A chiropractor practicing the chiropractor's profession under

- 1 IC 25-10 or to an employee of a chiropractor acting under the
- 2 direction and supervision of the chiropractor under IC 25-10-1-13.
- 3 (10) A dental hygienist practicing the dental hygienist's profession
- 4 under IC 25-13.
- 5 (11) A dentist practicing the dentist's profession under IC 25-14.
- 6 (12) A hearing aid dealer practicing the hearing aid dealer's
- 7 profession under IC 25-20.
- 8 (13) A nurse practicing the nurse's profession under IC 25-23.
- 9 However, a registered nurse may administer anesthesia if the
- 10 registered nurse acts under the direction of and in the immediate
- 11 presence of a physician and holds a certificate of completion of a
- 12 course in anesthesia approved by the American Association of
- 13 Nurse Anesthetists or a course approved by the board.
- 14 (14) An optometrist practicing the optometrist's profession under
- 15 IC 25-24.
- 16 (15) A pharmacist practicing the pharmacist's profession under
- 17 IC 25-26.
- 18 (16) A physical therapist practicing the physical therapist's
- 19 profession under IC 25-27.
- 20 (17) A podiatrist practicing the podiatrist's profession under
- 21 IC 25-29.
- 22 (18) A psychologist practicing the psychologist's profession under
- 23 IC 25-33.
- 24 (19) A speech-language pathologist or audiologist practicing the
- 25 pathologist's or audiologist's profession under IC 25-35.6.
- 26 (20) An employee of a physician or group of physicians who
- 27 performs an act, a duty, or a function that is customarily within
- 28 the specific area of practice of the employing physician or group
- 29 of physicians, if the act, duty, or function is performed under the
- 30 direction and supervision of the employing physician or a
- 31 physician of the employing group within whose area of practice
- 32 the act, duty, or function falls. An employee may not make a
- 33 diagnosis or prescribe a treatment and must report the results of
- 34 an examination of a patient conducted by the employee to the
- 35 employing physician or the physician of the employing group
- 36 under whose supervision the employee is working. An employee
- 37 may not administer medication without the specific order of the
- 38 employing physician or a physician of the employing group.

1 Unless an employee is licensed or registered to independently
 2 practice in a profession described in subdivisions (9) through
 3 (18), nothing in this subsection grants the employee independent
 4 practitioner status or the authority to perform patient services in
 5 an independent practice in a profession.

6 (21) A hospital licensed under IC 16-21 or IC 12-25.

7 (22) A health care organization whose members, shareholders, or
 8 partners are individuals, partnerships, corporations, facilities, or
 9 institutions licensed or legally authorized by this state to provide
 10 health care or professional services as:

11 (A) a physician;

12 (B) a psychiatric hospital;

13 (C) a hospital;

14 (D) a health maintenance organization or limited service
 15 health maintenance organization;

16 (E) a health facility;

17 (F) a dentist;

18 (G) a registered or licensed practical nurse;

19 (H) a midwife;

20 (I) an optometrist;

21 (J) a podiatrist;

22 (K) a chiropractor;

23 (L) a physical therapist; or

24 (M) a psychologist.

25 (23) A physician assistant practicing the physician assistant's
 26 profession under IC 25-27.5.

27 (24) A physician providing medical treatment under
 28 IC 25-22.5-1-2.1.

29 (25) An attendant who provides care services as defined in
 30 IC 16-27-1-0.5.

31 (26) A personal services attendant providing authorized attendant
 32 care services under IC 12-10-17.

33 (b) A person described in subsection (a)(9) through (a)(18) is not
 34 excluded from the application of this article if:

35 (1) the person performs an act that an Indiana statute does not
 36 authorize the person to perform; and

37 (2) the act qualifies in whole or in part as the practice of medicine
 38 or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 33. IC 34-6-2-37.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 37.2. "Emergency medical technician-basic advanced", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.1.**

SECTION 34. IC 34-6-2-37.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 37.4. "Emergency medical technician-intermediate", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.2.**

SECTION 35. IC 34-18-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. "Ambulance service" means a person who employs:

- (1) emergency medical technicians;
- (2) ~~advanced~~ emergency medical ~~technicians~~; **technicians-basic advanced;**
- (3) **emergency medical technicians-intermediate;** or
- ~~(3)~~ (4) paramedics.

SECTION 36. IC 34-18-2-12.1 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2003]: **Sec. 12.1. (a) "Emergency medical technician-basic advanced" has the meaning set forth in IC 16-18-2-112.5.**

(b) The term does not include a person while the person is operating an emergency vehicle.

SECTION 37. IC 34-18-2-12.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2003]: **Sec. 12.2. (a) "Emergency medical technician-intermediate" has the meaning set forth in IC 16-18-2-112.7.**

(b) The term does not include a person while the person is operating an emergency vehicle.

SECTION 38. IC 34-18-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. "Health care provider" means any of the following:

(1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, midwife, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, emergency medical ~~technician~~, **technician-intermediate, emergency medical technician-basic advanced**, or ~~advanced~~ emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant

- 1 health center.
- 2 (4) A home health agency (as defined in IC 16-27-1-2).
- 3 (5) A health maintenance organization (as defined in
- 4 IC 27-13-1-19).
- 5 (6) A health care organization whose members, shareholders, or
- 6 partners are health care providers under subdivision (1).
- 7 (7) A corporation, limited liability company, partnership, or
- 8 professional corporation not otherwise qualified under this section
- 9 that:
- 10 (A) as one (1) of its functions, provides health care;
- 11 (B) is organized or registered under state law; and
- 12 (C) is determined to be eligible for coverage as a health care
- 13 provider under this article for its health care function.
- 14 Coverage for a health care provider qualified under this
- 15 subdivision is limited to its health care functions and does not
- 16 extend to other causes of action.
- 17 SECTION 39. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 18 JULY 1, 2003]: IC 10-4-1-5.5; IC 16-18-2-6; IC 16-31-3-15;
- 19 IC 16-31-6.5-1; IC 34-6-2-4; IC 34-18-2-3 .
- 20 SECTION 40. [EFFECTIVE JULY 1, 2003] (a) **Notwithstanding**
- 21 **IC 16-31-3.5-3(a), as added by this act, the prohibition against an**
- 22 **individual acting as an emergency medical dispatcher unless the**
- 23 **individual is certified by the Indiana emergency medical services**
- 24 **commission as an emergency medical dispatcher does not apply to**
- 25 **an individual before July 1, 2005.**
- 26 (b) **Notwithstanding IC 16-31-3.5-3(b), as added by this act, the**
- 27 **prohibition against a person acting as an emergency medical**
- 28 **dispatch agency unless the person is certified by the Indiana**
- 29 **emergency medical services commission as an emergency medical**
- 30 **dispatch agency does not apply to a person before July 1, 2005.**
- 31 (c) **This SECTION expires July 2, 2005."**
- 32 Page 6, delete lines 34 through 35, begin a new paragraph and
- 33 insert:

- 1 **"SECTION 41. An emergency is declared for this act."**
- 2 Renumber all SECTIONS consecutively.
 (Reference is to SB 216 as printed January 22, 2003.)

and when so amended that said bill do pass.

Representative Moses